

REMARKS

[0001] Figures 1 and 2 are objected to. Claims 1-9 and 30 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 4-16, 19, 22-24 and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 5,544,304 to Carlson (hereinafter Carlson). Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson in view of United States patent application 2003/0217078 by Carlson (hereinafter Carlson PGPUB). Claims 17-18, 20-21, and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson in view of United States Patent Number 6,006,308 to Matsunami et al. (hereinafter Matsunami).

[0002] Applicants have amended claims 1, 10, 12, 15, 19, and 24 with the limitation "...direct the first library manager to reject data transaction commands while allowing the first library manager to complete previously accepted data transaction commands..." Claim 1 as amended. See also claims 10, 12, 15, 19, and 24. The amendment is fully supported by the specification, which discloses allowing the first library manager to complete previously accepted data transaction commands. Page 11, lines 4-6. See also original claims 22 and 29. Claims 22 and 29 are canceled.

OBJECTION TO DRAWINGS

[0003] Figures 1 and 2 are objected to for not including a prior art legend. Applicants checked Figures 1 and 2 as submitted and found that the Figures included the legend "Prior Art." Applicants submit that the drawings therefore comply with the Examiner's request.

REJECTION OF CLAIMS UNDER 35 U.S.C. §112, Second Paragraph

[0004] Claims 1-9 and 30 stand rejected under 35 U.S.C. § 112, second paragraph as

being indefinite. Applicants have amended claim 1 to remove “the,” eliminating the need for antecedent basis. Applicants submit that the amendment cures the indefiniteness of claim 1, and dependent claims 2-9.

[0005] Claims 8, 11, 16, and 27 are amended to change “select” to “specified.” Claim 30 is amended to depend from claim 24. Applicants submit that the amendments cure the indefiniteness of claims 8 and 30.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102(b)

[0006] Claims 1, 4-16, 19, 22-24 and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Carlson. Applicants respectfully traverse these rejections.

[0007] Claims 1, 10, 12, 15, 19, and 24 include the limitation “...direct the first library manager to reject data transaction commands while allowing the first library manager to complete previously accepted data transaction commands...” Claim 1 as amended. Thus the present invention claims the first library manager rejecting new commands while completing accepted commands.

[0008] In contrast, Carlson teaches transferring accepted commands from an active unit (first library manager) to a standby unit (second library manager). Carlson, col. 4, lines 42-45. The active unit is not allowed to complete previously accepted data transaction commands.

[0009] Because Carlson does not teach the first library manager rejecting new commands while completing accepted commands, Applicants submit that Carlson does not teach each element of the claimed invention, and that claims 1, 10, 12, 15, 19, and 24 are allowable. Applicants further submit that claims 4-9, 11, 13-14, 16, 23, and 27-28 as well as claim 30 are allowable as depending from allowable claims. Claims 22 and 29 are canceled.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103(a)

[0010] Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson in view of Carlson PGPUB. Claims 17-18, 20-21, and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson in view of Matsunami. Applicants submit that claims 2-3, 17-18, 20-21, and 25-26 are allowable as depending from allowable claims.

[0011] In view of the foregoing, Applicant submits that the application is in condition for immediate allowance. In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

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